

Notice of Allowability

Application No.

10/022,738

Examiner

Karin M. Reichle

Applicant(s)

EEN, HANS

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's 4-12-04 communication.
2. ☒ The allowed claim(s) is/are 1,4-9 and 11-29.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.

Karin M. Reichle
Primary Examiner
Art Unit: 3761

EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on May 3, 2004, Mr. William Rowland requested an extension of time for ONE, or the second, MONTH(S) and authorized the Director to charge Deposit Account No. 02-4800 the required fee of \$420 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

In Claim 1(Patent Claim 1),

Line 21: delete "of" (last).

In Claim 6(Patent Claim 3),

Line 1: change "1" to --4--.

In Claims 11-12(Patent Claims 7-8, resp.),

Line 2: delete "glycerides or".

Art Unit: 3761

In Claim 13(Patent Claim 9),

Line 2: after "pad,", insert --or--.

In Claims 15-16(Patent Claims 11-12, resp.),

Line 2: delete "glycerides or".

In Claim 8(Patent Claim 14),

Line 18: change "the" to --an--.

In Claim 19(Patent Claim 16),

Line 1: change "8" to --17--.

In Claims 22-23(Patent Claims 20-21, resp.),

Line 2: delete "glycerides or".

In Claims 26-27(Patent Claims 24-25, resp.),

Line 2: delete "glycerides or".

Claims 1, 4-9 and 11-29 are allowed.

Claims 2-3 and 10 were previously cancelled.

Art Unit: 3761

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: see attached sheets 1-4. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

4. The following is an examiner's statement of reasons for allowance: Support for the claims as filed 4-12-04 can be found, at the very least, in paragraph 1 and the translation of the Application 60/256, 488 filed 12-20-2001. See, at the very least, paragraphs 4-7, 9-10, 15, 21 and 56 for the criticality of the claimed structure. See paragraph 7 of the FINAL rejection. The prior art, alone or in any combination, does not teach the structure of the leakage barriers as set forth on lines 9 et seq of the independent claims 1 and 8 in combination with the other structure set forth in the respective claim. Claims 28 and 29 are interpreted to require both the temperature range and TEWL range to be met for loss of adhesive or cohesive capacity.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (703) 308-2617. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (703) 308-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Karin M. Reichle
Primary Examiner
Art Unit 3761

KMR
May 3, 2004